IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No. 320 of 1998
WITH
CRIMINAL REVISION APPLICATION No. 339 of 1998

For Approval and Signature:

HONOURABLE MR.JUSTICE D.H.WAGHELA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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STATE OF GUJARAT - Applicant(s)
Versus
PRAVEENSINH BHARATSINH & 15 - Respondent(s)

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Appearance :
MR.HL JANI APP for Applicant(s) : 1,
RULE SERVED for Respondent(s) : 1 - 14.
MR BHARGAV N BHATT for Respondent(s) : 1 - 7,9 - 10.
- for Respondent(s) : 0.0.0
- for Respondent(s) : 0.0.0
- for Respondent(s) : 0.0.0

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CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA

Date : 10/05/2007

ORAL JUDGMENT

1. Both the revision applications are seeking to challenge the same interlocutory order dated

01.04.1998 of learned Additional Sessions Judge, Bhavnagar in Sessions Case No.5 of 1992. The impugned order was made below application Exh.157 of learned Special Prosecutor to arraign certain witnesses as accused persons and that application was rejected by the impugned order, expressly on the basis that it was premature at the stage at which it was made.

2. Having regard to the passage of time since the alleged offences were committed and the trial had commenced and during the pendency of the proceedings before this Court, it was jointly submitted by learned counsel appearing on both sides, who were present, as also learned A.P.P. that without entering into the merits of the order and referring to the factual background, it would be in the interest of justice to quash the order at this stage with the direction that the original application Exh.157 may be kept pending for decision at the end of the trial and till all the evidences was adduced in the trial court. It was, however, clarified that it would be the discretion and privilege of learned Special Prosecutor to decide as to which witness should be examined or dropped in the trial court.

3. Accordingly, by consent and joint request of the learned counsel as well as learned A.P.P., the impugned order is set aside with the direction that the application Exh.157 shall be heard and decided after recording of the evidence and at the time of delivering the judgment in Sessions Case No.5 of

1992. In view of the delay caused in the conclusion of the trial, the trial shall now be expeditiously conducted and concluded preferably within a period of three months. Rule is made absolute accordingly with no order as to costs.

(D.H.WAGHELA, J.)

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